

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-7 and 9-16 are pending in the application and stand rejected.

Claims 1, 4, 5, 9, 10 and 12 have been amended.

Claims 1, 4, 5, 9, 10 and 12 are independent claims.

The specification is objected to for failing to provide a clear support or antecedent basis in the description for newly presented and amended claims and for including a typographical error.

With regard to the typographical error, applicant thanks the Examiner for his observation and has amended the specification to correct the typographic error noted. However, with regard to the specification not providing clear support for the newly presented and amended claims, applicant respectively disagrees with and explicitly traverses the objection for the remarks made herein.

Claims 1-6 and 9-14 stand rejected under 35 USC 112, first paragraph, first paragraph as failing to comply with the written description.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. In providing support for the amendment to the claim the applicant referred to page 3, lines 11-14. However, this was not the only section within the written description that provided support for the amendments to the claims. For example, page 3, lines 11-14 recite "[i]nternet streaming applications should be quality adaptive. That is, streaming applications should adjust the quality of the delivered stream such that the bandwidth required for transmitting the stream matches the available bandwidth," page 3, lines 26-32 recite "[t]he streaming service offered to the registered users comprises: carrying out a streaming session from the server 10 toward the user terminal via any connection available to the user, interrupting the streaming session, resuming an interrupted streaming session by using any connection available to the user," page 4, lines 4-11 recite "[t]he user database 200 comprises at least first and second locations for each registered user. The first locations 201 are intended for storing user identification data, for instance,

a user identifier ID_u and a user password PW_u defined by the user when he registers to the service (the suffix u refers to the user). The second locations 202 are intended to contain an indication of the streamed content and of the last random access point in the streamed content when the streaming session is interrupted, so as to allow the resumption of the interrupted streaming session from said last random access point with any connection available to the user," and page 4, lines 19-21 recite "[t]he reference of the random access point in that list is used as an indication of the last random access point in the user database 200." (emphasis added).

Applicant accordingly submits that the written description provides clear and adequate support for the amendments made to the claims based at least on the sample of

Claims 1-2, 4-6, 9-10 and 12-16 stand rejected under 35 USC 103(a) as being unpatentable over Lee (USP no. 7,127,735) in view of Hamilton (USPPA 2003/0139980).

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, the independent claims have been amended to further recite that the content being formatted in a plurality of encoding rates, said encoding rates associated with a corresponding connection, wherein said random access points are common in each of said formatted content. No new matter has been added. Support for the amendment may be found at least on page 4, lines 17-27 and Table 1. ("For each content, the content database 100 stores a list referencing the random access points that are common to all versions of that content and associating the referenced random access points with their location in each file of the content database 100. The reference of the random access point in that list is used as an indication of the last random access point in the user database 200. An example of such a list is given below. In this example, three versions $V_{i,1}$, $V_{i,2}$ and $V_{i,3}$ of a content C_i are available in the content database 100. The version $V_{i,1}$ corresponds to an encoding rate of 30 kbps. The version $V_{i,2}$ corresponds to an encoding rate of 300 kbps. The version $V_{i,3}$ corresponds to an encoding rate of 5Mbps. R_j ($j=1, \dots, X$) is the reference of the X random access points that are common to all versions $V_{i,1}$ to $V_{i,3}$. $A_k(R_j)$ is the address of the random access point carrying the reference R_j in the file containing the version $V_{i,k}$."

Lee teaches a video system that allows for resumption of an interrupted video stream by storing information regarding the interruption on the user's terminal to enable the user to resume from the interruption from any video server hosting the video stream. See for example, col. 3, lines 26-45, which state "[a]ccording to the VOD system and method of the present invention, a user profile which contains characteristic information on respective users' viewing of the video programs is stored in a storage means provided in a user terminal registered in the VOD system or a local storage such as a smart card inserted in the user terminal. (emphasis added). The user profile information is transferred to a video server which is connected to a user when the same user requests a VOD service for the same video program, such that the video server reads out the characteristic information on viewing of the video program from the user profile information. Accordingly, if a subscriber of the VOD system requests viewing of a [sic] interrupted video program to a different video server, the video server can accurately provide the subscriber with the video program from the interrupted position of the video program without increasing the video server load."

Hence, Lee fails to teach storing the information necessary to resume a video stream in the server. Nor does Lee teach different content formats being stored in the server having access points that are common among the different content formats.

Hamilton teaches a method and system for controlling delivery of content on-demand over a cable network. Hamilton is cited in the Office Action for teaching a data base for storing user identification data which indicates the users' last position in the streamed session. The Office Action finds motivation for including a data base in the teaching of Lee "to help identify the user to continue streaming the content from the last position on any available network connection."

However, neither Lee nor Hamilton teach or suggest that content stored in different encoding rates with access points common among the different content encoding rates or the use of different connections based on different terminals. In fact, Lee specifically discloses the use of the same terminal as the data for resuming the transmission is stored within the terminal.

In addition, contrary to the position stated in the Office Action, the combination of Lee and Hamilton fails to render obvious the invention claimed in the independent

claims for at least failing to teach the terminal having one or more connections and that the resumption of the data stream with any connection available to the user.

In this case, a *prima facie* case of obviousness has not been made as each of the elements recited in the claims is not disclosed by the combination of Lee and Hamilton.

Each of the remaining claims depends from one of the independent claims, which has been shown to include subject matter not disclosed by the combination of Lee and Hamilton and, consequently, the remaining dependent claims are also not rendered obvious by the cited references.

In addition, the combination of Lee and Hamilton would create a device that is contrary to the teaching of Lee as Lee explicitly teaches storing information necessary to resume the transmission in the terminal device, such that another video server can provide the video stream because the terminal includes the information necessary to provide resume transmission from the last interrupted point. The use of a data base for the storing of similar information is redundant to the Lee disclosure as incorporating a data base to save this information would alter the teaching of Lee to save data on the terminals.

Hence, there is no motivation to combine the teachings of Hamilton with the teachings of Lee as the teachings of Hamilton would alter the principles of Lee.

The aforementioned claims are not rendered obvious by Lee and Hamilton because the combination of Lee and Hamilton fails to disclose all the elements recited in the claims and, even if could be said that Lee and Hamilton disclosed all the elements recited in the claims, there is no motivation to combine these references as suggested by the Office Action.

Accordingly, applicant submits that the rejection of the aforementioned claims has been overcome and respectfully requests that the rejection be withdrawn.

Claims 3, 7 and 11 stand rejected under 35 USC 103(a) as being unpatentable over Lee in view of Hamilton and further in view of Sitaraman (USP no. 2006/179154).

With regard to the aforementioned claims, these claims depend from one of the independent claims, which have been shown to include subject matter not disclosed by Lee and Hamilton. Sitaraman is cited for teaching the claim element "a server has access to several encoded versions of said content, and the version initially used when resuming a streaming session toward a user via a certain connection is the version whose encoding rate best matches the initial sending rate to be used for said connection."

However, even if Sitaraman can be said to teach the element cited, neither Lee nor Hamilton provide any teaching of multiple streams of different encoding rates that may be used for the connection established after resumption of the transmission.

Accordingly, applicant submits that the combination of the references cited fails to properly contain all the elements recited in the claims. Rather, these references have been put together based on the teachings provided in the disclosure of the instant application.

Thus, for at least this reason, applicant submits that rejection of the aforementioned claims has been overcome and respectfully requests that the rejection be withdrawn.

For the amendments made to the claims and for the remarks made herein, applicant submits that all the objections and rejections have been overcome and that the claims are in a condition for allowance. It respectfully requested that a Notice of Allowance be issued.

Should the Examiner believe that the disposition of any issues arising from this response may be best resolved by a telephone call, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Respectfully submitted,
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